

## HUMAN SERVICES BOARD

# INTRODUCTION

## FINDINGS OF FACT

2. The petitioner does not dispute that he is enrolled as a full-time student at the University of Vermont. He

applied for the work study program at the university, and appears to be eligible for it. However, due to the university's budget problems, he has neither been accepted into the program, placed in a work study position, nor received any work study funding.

ORDER

The Department's decision is affirmed.

REASONS

Section 5316 of the VHAP regulations includes the following:

A. Applicability

To be eligible for VHAP, a student must meet the requirements of section b. below unless he/she is exempt from these requirements based on at least one of the following criteria:

1. 50 years old or older,
2. disabled,
3. attending high school,
4. participating in an on-the-job training program,
5. enrolled full time in a school or training program, excluding post-secondary institutions of higher education, or
6. enrolled less than half time in a post-secondary institution of higher education.

. . .

B. Eligibility Requirements

To be eligible to participate in the VHAP program, any student not exempt under section a. above shall meet at least one of the following criteria:

. . .

- ii. Participates in a state-financed or federally financed work-study program during the regular school year. To qualify under this provision, a student must be approved for a work-study program at the time of application and must anticipate starting a job within two months after the date of application. A student meets this criterion until the student stops working. If a student stops working because funding for the work study runs out, the student shall continue to meet this criterion for no more than two months. . .

There is no dispute in this matter that the petitioner does not meet any of the above criteria for VHAP coverage for students. Although he has applied for the university's work study program, he does not maintain that he is "participating" or "working" in it within the meaning of the above regulation.

Inasmuch as the Department's decision in this matter is in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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